

City Council Agenda

Council President
Steve Brandau

Councilmembers

Oliver L. Baines III – Acting President
Lee Brand
Paul Caprioglio

Clinton J. Olivier
Sal Quintero
Blong Xiong

City Manager
Bruce Rudd

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

February 27, 2014

1:30 P.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the American Society of Civil Engineers Award – Mayor's Office

Proclamation of "MULTIPLE SCLEROSIS AWARENESS WEEK" - Councilmember Brand

Proclamation of "RECOGNITION OF NATIONAL NUTRITION MONTH" – Councilmember Brand

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. In situations where more than 20 people wish to speak, the Presiding Officer may limit testimony to one and one half minutes per person and the total length of the public comment period. (Council R. Pro. 10.c.1(c).) If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least 24 hours prior to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [February 13, 2014](#)

Action Taken:

Approve Successor Agency minutes of [February 6](#) and [February 13, 2014](#)

Action Taken:

Approve FRC minutes of [February 13, 2014](#)

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

A. [Actions pertaining to the new manhole access sewer structures \(*Property located in Council District 3 and parts of Fresno County*\) – Department of Public Utilities](#)

1. Adopt a finding of Class 3 and 4 Categorical Exemptions, pursuant to Section 15303(d) (new construction or conversion of small structures) and 15304(f) (minor alterations to land) of the California Environmental Quality Act Guidelines

Action Taken:

2. Award a \$108,500 construction contract to Floyd Johnston Construction Company, Inc. of Clovis, California

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- B. **RESOLUTION** - Of Intention to annex Final Tract Map No. 6044, Annexation No. 53, to the City of Fresno Community Facilities District No. 11; and to authorize the levy of special taxes and setting the public hearing for March 27, 2014 at 10:30 a.m. (northeast corner of N. Garfield and W. Barstow Avenues) (**Property located in District 2**) - Public Works Department
Action Taken:
- C. **RESOLUTION** - Ordering the summary vacation of the ten foot wide public utility easement (PUE) along the north side E. Clubhouse Drive, east of N. Alicante Drive, in Tract No. 5973 (**Property located in District 6**) - Public Works Department
Action Taken:
- D. Approve a cooperative agreement for a maximum City contribution of \$106,700 with the County of Fresno to install bicycle lanes on Cedar Avenue between McKinley Avenue to Clinton Avenue (**Property located in District 7**) – Public Works Department
Action Taken:
- E. **BILL – (For introduction)** - Repealing Sections 11-601, 11-607, 11-625, and 11-632 of Article 6, Chapter 11 of the Fresno Municipal Code, and adding Sections 11-601, 11-607, 11-625, and 11-632 of Article 6, Chapter 11 of the Fresno Municipal Code relating to Floodplain Regulations – Development and Resource Management Department
Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. **WORKSHOP** relating to Measure “C” Transit Oriented Development (TOD) funding and downtown projects — City Manager’s Office
- B. **RESOLUTION** - Authorizing the submission of applications for grants of \$533,457 for capital improvement projects in the Cultural Arts District in Downtown Fresno under the Fresno County Measure “C” Transit Oriented Development (TOD) Program and authorizing the execution of application-related documents by the City Manager or designee - City Manager’s Office
Action Taken:
- C. Actions pertaining to the professional consulting services associated with the development of a comprehensive transit operations and maintenance facility master plan – Transportation Department
1. Approve a consultant agreement in the amount of \$303,277 with Maintenance Design Group, LLC, a Colorado limited liability company, for the development of a comprehensive Facility Assessment and Master Capital Plan
Action Taken:

2. **GENERAL ADMINISTRATION CONTINUED**

D. **Actions pertaining to the professional consulting services associated with the downtown passenger shelter, engineering and design – Transportation Department**

1. Approve a consultant agreement in the amount of \$148,869 with Siegfried Engineering Inc., a California corporation, for design and engineering services for passenger shelters at various locations in the downtown area

Action Taken:

E. **Actions pertaining to the Downtown Planting and Irrigation Project (*Property located in Districts 3 and 7*) - Public Works Department**

1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Sections 15301, 15303 and 15304 of the CEQA guidelines, for the downtown planting and irrigation project

Action Taken:

2. Award a construction contract to Naturescapes of San Jose, CA in the amount of \$549,978.25 for the downtown planting and irrigation project

Action Taken:

F. **RESOLUTION – Approving the application for and acceptance of up to \$1,000,000 in Sustainable Communities Planning Grant and Incentive Program Grant funds from the State of California Strategic Growth Council and authorizing execution of documents – Development and Resource Management Department**

Action Taken:

G. **BILL – (*For introduction*) - Consider Text Amendment Application No. TA-13-006 and related environmental finding for Environmental Assessment No. TA-13-006 relating to the use of outdoor dining areas, including within street easements and rights-of-way, without requiring a special permit for certain uses – Development and Resource Management Department**

Action Taken:

3. **CITY COUNCIL**

4. **CLOSED SESSION**

A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (d)(1)**

1. City of Fresno & Successor Agency to the Redevelopment Agency of the City of Fresno v. State of California et al. (Re: Successor Agency, etc. housing asset transfers); Sacramento County Superior Court Case No. 34-2013-80001450

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. HEARING to consider Plan Amendment Application Nos. A-13-004 & A-13-005, Rezone Application Nos. R-13-011 & R-13-012, and related Environmental Finding for property located on the northwest and northeast corners of N. Hayes and W. Herndon Avenues (**Property located in District 2**) – Development and Resource Management Department (**Continue to 1:30 p.m.**)

Action Taken:

10:10 A.M. HEARING to consider Plan Amendment No. A-13-006, Rezone Application No. R-13-013, and related Environmental Assessment for property located on the east side of N. Polk Avenue between W. Corona and N. Dante Avenues (**Property located in District 2**) – Development and Resource Management Department (**Continue to 1:40 p.m.**)

Action Taken:

1:30 P.M. CONTINUED HEARING to consider Plan Amendment Application Nos. A-13-004 & A-13-005, Rezone Application Nos. R-13-011 & R-13-012, and related Environmental Finding for property located on the northwest and northeast corners of N. Hayes and W. Herndon Avenues (**Property located in District 2**) – Development and Resource Management Department

Action Taken:

- a. Consider the environmental finding of Environmental Assessment No. A-13-004/A-13-005/R-13-011/R-13-012/C-13-098/C-13-099/T-6052/T-6053, a finding of a Mitigated Negative Declaration, dated December 20, 2013

Action Taken:

- b. **RESOLUTION**—Approving Plan Amendment Application No. A-13-004 to amend the 2025 Fresno General Plan and the Bullard Community Plan for ± 13.26 net acres of property located on the northwest corner of N. Hayes and W. Herndon Avenues from the neighborhood commercial planned land use to the medium density residential planned land use designation

Action Taken:

- c. **RESOLUTION**—Approving Plan Amendment Application No. A-13-005 to amend the 2025 Fresno General Plan and the Bullard Community Plan for ± 4.30 net acres of property located on the northeast corner of N. Hayes and W. Herndon Avenues from the office commercial planned land use to the medium-low density residential planned land use designation

Action Taken:

- d. **BILL— (For introduction and adoption)** - Amending the Official Zone Map to reclassify ± 13.26 net acres of property located on the northwest corner of N. Hayes and W. Herndon Avenues from the C-1/EA/UGM/cz (Neighborhood Shopping Center/ Expressway Area Overlay/Urban Growth Management/conditions of zoning) zone district to the R-1/EA/UGM (Single Family Residential/Expressway Area Overlay/Urban Growth Management) zone district

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- e. **BILL— (*For introduction and adoption*)** - Amending the Official Zone Map to reclassify ± 4.30 net acres of property located on the northeast corner of N. Hayes and W. Herndon Avenues from the C-P/EA/UGM/cz (Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management/conditions of zoning) zone district to the R-1/EA/UGM (Single Family Residential/Expressway Area Overlay/Urban Growth Management) zone district

Action Taken:

1:40 P.M.

CONTINUED HEARING to consider Plan Amendment No. A-13-006, Rezone Application No. R-13-013, and related Environmental Assessment for property located on the east side of N. Polk Avenue between W. Corona and N. Dante Avenues (***Property located in District 2***) – Development and Resource Management Department (***Continue to 1:40 p.m.***)

Action Taken:

- a. Consider the environmental finding of Environmental Assessment No. A 13-006/R-13-013/C-13-151/T-6054, a finding of a Mitigated Negative Declaration, dated December 20, 2013
- Action Taken:**
- b. **RESOLUTION** – Approving Plan Amendment Application No. A-13-006 to amend the 2025 General Plan and Bullard Community Plan for 9.27 net acres of property located on the east side of N. Polk Avenue between W. Corona and N. Dante Avenues from the Medium High Density Residential land use designation to the Medium Density Residential planned land use designation
- Action Taken:**
- c. **BILL - (*For introduction and adoption*)** - Amending the Official Zone Map to reclassify 9.27 net acres of property located on the east side of N. Polk Avenue between W. Corona and N. Dante Avenues property from the R-2/UGM (Low Density Multiple Family Residential/Urban Growth Management) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

5:00 P.M. HEARING to consider approvals related to the Proposed Fulton Mall Reconstruction Project (**Property located in District 3**) – City Manager's Office, Public Works Department and Development and Resource Management Department

1. Consideration of Plan Amendment Application No. A-13-008 and certification of the related Environmental Impact Report (EIR) SCH No. 2013101046 filed by Jennifer K. Clark, Development and Resource Management Director, on behalf of the City of Fresno, pertaining to 7.18± acres of property located on the Fulton Mall in downtown Fresno:
 - a. **RESOLUTION** – Certifying Final Environmental Impact Report (EIR) No. SCH 2013101046 for Plan Amendment Application No. A-13-008 and the Fulton Mall Reconstruction Project; and,
 - i. Adopting Findings of Fact as required by Public Resources Code, section 21081(a) and CEQA Guidelines, Section 15091; and
 - ii. Approving a Mitigation Monitoring Program as required by Public Resources Code, section 21081.6 and CEQA Guidelines, section 15097; and
 - iii. Adopting the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093
 - b. **RESOLUTION** – Approving Plan Amendment No. A-13-008 to:
 - i. Amend the 2025 Fresno General Plan Land Use Element to remove the Open Space/Pedestrian Mall land use designation of the Fulton Mall;
 - ii. Amend the Circulation Element to designate the portions of Fulton Street, Kern Street, Mariposa Street, and Merced Street (collectively known as the Fulton Mall) to the local street designation; and
 - iii. Amend the Central Area Community Plan (“CACP”) to modify the sections of the CACP that discuss the Fulton Mall accordingly

Action Taken:

2. **BILL- (For Introduction)** - Repealing Section 14-1803, amending Subsection (d) of Section 10-105, Subsection (b) and (c) of Section 12-1711, Subsection (f) of Section 14-1801, Section 14-1802, Section 14-1806 of, and adding Subsection (g) to, the Fresno Municipal Code, relating to the removal of references to the Fulton Mall in the code and removal of Fulton Mall from Pedestrian Mall No. 1

Action Taken:

3. **RESOLUTION** - Selecting Project Option 1 as the City's preferred build alternative
Action Taken:
4. **RESOLUTION** – Authorizing the Public Works Director to take actions necessary to secure funding for the construction of the Project:
 - a. Execute in substantially the form attached, subject to approval as to form by the City Attorney, a Transportation Investment Generating Economic Recovery (TIGER) grant agreement with the Federal Highway Administration for the use of TIGER construction grant funding in the amount of \$15,924,620 for the Project;

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- b. Execute in substantially the form attached, subject to approval as to form by the City Attorney, a project oversight agreement with the Federal Highway Administration enabling the use of TIGER construction funding; and
- c. Apply for, and negotiate and execute cooperative agreements for use of, \$1,800,000 in Measure C Transit Oriented Development (TOD) funds for construction of the Project

Action Taken:

SCHEDULED COMMUNICATION –

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar. 27 - 10:00 A.M.	CONTINUED PUBLIC HEARING to consider increasing water connection fees (<i>Citywide</i>) – Department of Public Utilities
Mar. 27 - 10:30 A.M.	HEARING to consider Final Tract Map No. 6044 annexed to CFD No. 11
June 19 – 2:00 P.M.	HEARING to form Underground District FRE – 93 along Nees Avenue between Maple Avenue and Hayston Avenue

UPCOMING EMPLOYEE CEREMONIES

Apr. 9 - (Weds) 2:00 p.m.	Presentation of Employee Service Awards (<i>Reception immediately following – 2nd floor foyer</i>)
Apr. 24 - 8:30 a.m.	Employee of the Spring Quarter (<i>Reception immediately following – 2nd floor foyer</i>)
July 31 - 8:30 a.m.	Employee of the Summer Quarter (<i>Reception immediately following – 2nd floor foyer</i>)
Oct. 2 - 8:30 a.m.	Employee of the Fall Quarter (<i>Reception immediately following – 2nd floor foyer</i>)
Oct. 22 - (Weds) 2:00 p.m.	Presentation of Employee Service Awards (<i>Reception immediately following – 2nd floor foyer</i>)